

have a wider repercussion than the vote on this amendment.

I urge you to defeat the amendment.

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: Delegate Burgess, two minutes.

THE CHAIRMAN: Delegate Burgess.

DELEGATE BURGESS: Ladies and gentlemen, if I have to classify myself in an area of thinking, I guess I will classify myself as a conservative. Let me read to you from a document, which speaks as follows:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life or real property without due process of law, nor deny any person within its jurisdiction equal protection of the laws."

I ask you, ladies and gentlemen, if this is not in substance what is being said in the amendment as suggested by the minority? It is simply this: fair is fair. Let us call it as we see it.

The law is there and anybody who thinks that we are going to get around the law, or they are going to get around the law by inserting or taking out a word or two, I am afraid they are sadly mistaken.

The law is there. It is not going to change. If a court wants to make a determination, there is plenty of language available to it but what I read to you was the 14th Amendment, section 1, United States Constitution.

Now, this is the law of the land. I suggest to you that the minority amendment does not appreciably broaden what I have just read to you, but merely spells it out for us in the State of Maryland.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Mr. Chairman, I yield three minutes to Delegate Child.

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: Mr. Chairman, distinguished delegates of the Committee, the Committee on Personal Rights is bound by a set of rules which hardly applies to any other Committee.

We are supposed to put in the Bill of Rights personal rights which the individual holds free from governmental action,

not class rights, but personal rights. Not personal rights as against another person, but personal rights as against the government.

Secondly, our rule is this: That those rights should be enforceable rights and not merely statements of abstract principles, or exhortatory statements, and third, and this is what I am getting to here, they should be plainly and briefly written.

Now, our Committee spent more time on this due process clause than anything we had before the Committee. We tried to adopt, or tried to find out what the draft article meant when it said, "discriminated by law or other governmental action."

We had constitutional lawyers and no one could tell us what governmental action meant, and the same thing applies here, when they say "discrimination by the State".

I do not want to prolong the argument here. We have said in concise language here everything that the amendment says, when we say "no person shall be discriminated against by law", we have said it all. And the amendment is simply superfluous. It is repetitious and should be defeated.

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: Delegate Scanlan, two minutes.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: Mr. Chairman, fellow delegates, in arising to support this amendment I suppose some would say that I am being inconsistent.

Certainly it can be argued that the language of the equal protection clause furnishes all the protection that the language proposed by the minority suggests. I think there are two answers to that. I think we should write a constitution for the ages and for the decades to come. There are moments when we should take into account the facts of history.

The equal protection clause has been interpreted by the Supreme Court to prohibit the type of discrimination that the minority would specifically prohibit. Those are great moments in the history of the Supreme Court.

Unfortunately, the state courts have not always been quick to follow the Supreme Court in applying equal protection clause in this manner. They have abided by the old doctrine that there is a legislative pre-